

**CITY OF WEST LINN
DECLARATION OF A STATE OF EMERGENCY
IMPOSING A MORATORIUM ON COMMERCIAL EVICTIONS**

WHEREAS, I declared a state of emergency exists in the City of West Linn due to COVID-19 in the Declaration of a State of Emergency dated the 19th day of March, 2020; and

WHEREAS, the facts stated in that declaration continue to exist, as well as the following additional facts:

WHEREAS, the World Health Organization (WHO) has declared that COVID-19 virus is a global pandemic, which is particularly severe in high risk populations such as people with underlying medical conditions and the elderly, and the WHO has raised the health emergency to the highest level requiring dramatic interventions to disrupt the spread of this virus; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency to allow the government to marshal additional resources to combat the virus; and

WHEREAS, on March 17, 2020, the Governor of the State of Oregon announced new orders on social distancing measures, effective for at least four weeks, that include:

A statewide cancelation of all events and gatherings larger than 25 people — exempting essential locations like workplaces, grocery stores, pharmacies, and retail stores. It's additionally recommended that Oregonians avoid gatherings of 10 people or more.

Restrictions on restaurants, bars, and other establishments that offer food or beverages for sale to allow only carry-out and delivery with no on-site consumption permitted.

An urgent request that all businesses assess their practices, implement strong social distancing measures, and close their doors temporarily if they cannot put the Governor's guidance in place.

WHEREAS, the COVID-19 crisis has had a significant impact on the local economy affecting retail, restaurant and other industries resulting in economic hardships for local business owners due to loss of business income, layoffs and reduced work hours for a significant percentage of this workforce; and

WHEREAS, commercial evictions for unpaid rent may additionally result in a loss of housing and create housing instability, potentially increasing the number of people experiencing homelessness and creating a heightened risk of virus transmission; and

WHEREAS, jurisdictions across the nation are considering to implement or have implemented commercial eviction moratoriums to provide business stabilization support during this unprecedented public health emergency; and

WHEREAS, Article XI, Section 2, and Article IV, Section 1(5), of the Oregon Constitution grant cities broad police powers to enact policies and regulations tailored to the needs of the city; and

WHEREAS, a temporary moratorium on commercial evictions during the COVID-19 outbreak is expected to protect the public health, safety, and welfare by providing businesses with stable locations from which to operate during and after the public health emergency, thus reducing the number of businesses declaring bankruptcy and closing during the economic downturn caused by this emergency; and

WHEREAS, the state of emergency necessitates the utilization of emergency powers granted to City officials pursuant to the West Linn Charter, West Linn Municipal Code Section 2.700 et. seq., and ORS Chapter 401 et. seq.; and

WHEREAS, West Linn City Council has established by resolution 2017-21 an Emergency Operations Plan with procedures to prepare for and carry out any activity to prevent, minimize, respond to, or recover from an emergency and which authorizes the Mayor to “order such other measures as are necessary for the protection of life or property”.

WHEREAS, the local state of emergency due to COVID-19 requires the issuance of an declaration specifically aimed at a moratorium on commercial evictions during the declared state of emergency in order to keep businesses from economic collapse and protect the public safety, health and welfare as set forth in this Declaration of State of Emergency; and

NOW, THEREFORE, BE IT DECLARED BY THE CITY COUNCIL OF THE CITY OF WEST LINN:

Section 1. This declaration is intended as an addendum to the March 19, 2020 Declaration of Emergency and provides additional measures to address these emergency conditions.

Section 2. A temporary moratorium is imposed on all commercial evictions in the City of West Linn for nonpayment of rent due to loss of business income as a result of COVID-19.

Section 3. To establish eligibility for this moratorium, affected business owners must:

- a. Demonstrate substantial loss of business income, through documentation or other objectively verifiable means, resulting from the COVID-19 pandemic, including federal, state, county or City of West Linn restrictions imposed to mitigate its spread; and

- b. Notify their landlords on or before the day that rent is due that they are unable to pay rent due to substantial loss of business income as a result of the COVID-19 pandemic.

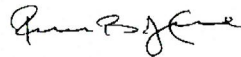
Section 4. Nothing in this moratorium shall relieve tenants of liability for unpaid rent, which landlords may seek, and tenants must pay within six months after expiration of this emergency. No late fee may be charged or collected for rent that is delayed for the reasons stated in this moratorium; nor may a landlord seek rent that is delayed for the reasons stated in this moratorium through the eviction process.

Section 5. D. During this moratorium, an owner of commercial property shall not enforce a contract or statutory remedy under a lease that would remove a business tenant from its premises. These prohibited remedies include, but are not limited to, terminating the tenant's lease or terminating the tenant's right to possession of the premises.

Section 7. The Mayor directs the West Linn City Attorney to draft an ordinance that will impose retroactive fines and penalties for violation of these measures; and

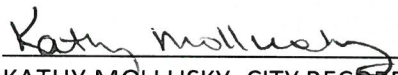
Section 8. These temporary measures shall remain in effect for the duration of the declaration of emergency set forth in the March 19, 2020 Declaration of a State of Emergency Due to COVID-19.

DATED this 19th day of March, 2020.



RUSSELL B. AXELROD, MAYOR

ATTEST:



KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:



CITY ATTORNEY